

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X

IN RE CITY OF NEW YORK, AS  
OWNER AND OPERATOR OF THE  
M/V ANDREW J. BARBERI,

**ORDER**

CV-03-6049 (ERK)(VVP)

-----X

By letter dated July 1, 2005 counsel for Michael Gansas, who is named as a third-party defendant in this action, seeks expedited depositions of two other third-party defendants, Patrick Ryan and John Mauldin. Counsel for the city responds, by letter dated July 11, 2005 that they do not represent Messrs. Ryan and Mauldin, and that the city has declined to provide defense counsel for those individuals. Moreover, it appears from the docket that no attorneys have entered notices of appearance for Messrs. Ryan and Mauldin and it is not clear whether they have even answered the third-party complaint. Indeed, there is no indication that Messrs. Ryan and Mauldin are even aware of the request for their expedited depositions. Until those matters are clarified, the court is unwilling to order them to appear for depositions, particularly in view of their status as unsentenced criminal defendants on charges directly related to the claims in the instant action.

As counsel for the city apparently agreed to accept service of the third-party summons and complaint on behalf of Messrs. Ryan and Mauldin, counsel for the city are hereby directed to advise the court within five business days concerning the identities of any attorneys who represent them with respect to this action, and of the status of any answer or response by Messrs. Ryan and Mauldin to the third-party complaint naming them as third-party defendants.

**SO ORDERED:**

Viktor V. Pohorelsky  
VIKTOR V. POHORELSKY  
United States Magistrate Judge

Dated: Brooklyn, New York  
July 19, 2005